



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

November 14, 1956

Honorable Coke R. Stevenson, Jr.
Administrator
Texas Liquor Control Board
Austin, Texas

Letter Opinion MS-262

Re: Date of its issue and not
date of its delivery is to
be used in computing 30-day
period during which local
option petition may be
circulated.

Dear Sir:

We have your request for our opinion as to whether or not the thirty-day period during which a local option petition can be circulated before it is returned to the County Clerk for his canvassing of the signatures and his certification to the Commissioners' Court would be computed from the date of the issue of the petition by the County Clerk, or whether the thirty days would begin to run from the date of actual delivery.

You further set out the following fact situation:

"We have been advised that a local option election is pending in Dallas County and that the County Clerk prepared 271 petitions in accordance with the provisions of Section 32 of Article 666, Vernon's Penal Code of Texas. In the space provided on the petitions showing the 'Date of Issue by Clerk' the Clerk inserted the date October 2, 1956; and in the space provided for the date of return the Clerk inserted the date November 2, 1956. On Wednesday, October 3, 1956, the applicants appeared in the County Clerk's office and received the petitions."

We agree with your conclusion that "the date as shown on the face of the petition, as affixed by the County Clerk as being the date of issue, will be controlling in computing the thirty-day period, and not the date on which the actual delivery may be made to the applicants."

Therefore, it is our opinion that the date as shown on the face of the petition as affixed by the County Clerk as being

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the "Date of its issue" will be controlling in computing the thirty-day period and not any other date on which the actual delivery of one or more copies of the petition may have been made to the applicants. Otherwise the date of return inserted by the County Clerk would become an uncertain, changing date rather than the thirtieth day fixed by the Legislature,

I call your further attention to my letter opinion of November 9, 1956, addressed to you, in which in answer to your first question we said, "It is my opinion that the day on which such petition is issued by the County Clerk after which the thirty-day period designated in Section 32 begins to run is not to be included, and the last day of such period is to be included". Therefore, under the fact situation set out in your letter today, and copied on page one of this letter, the petitions which bore the "Date of its issue by the Clerk" of October 2, 1956, would be due back in the hands of the Clerk of the Commissioners' Court on the thirtieth day from said date of its issue of October 2, 1956, which would be November 1, 1956.

Very truly yours,

JOHN BEN SHEPPERD
Attorney General.